

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
Children’s Television)	MD Docket No. 18-202
Programming Rules)	
Modernization of Media)	MD Docket No. 17-105
Regulation Initiative)	

Reply Comment of Disability Consumer Groups and Researchers

The below-listed consumer groups, advocating on behalf of people who are deaf and hard of hearing, respectfully reply to comments on the Commission’s Further Notice of Proposed Rulemaking in the above-referenced dockets (“FNPRM”).¹ The FNPRM proposes to create a framework in which broadcasters could sponsor Core Programming on another station in the market to meet its children’s programming requirements.

We urge the Commission to again consider our concerns raised in our June 27, 2019 *ex parte*,² addressed in footnote 188 of the FNPRM’s associated Report and Order³—namely, that we do not yet know all the possible accessibility implications of modifications to the children’s television rules. While the Report and Order created a mechanism for addressing our concerns about the possibility of short-form broadcasting opportunities and shifts to multicast programming causing captioning and description shortcomings for children’s programming, we are concerned that the sponsorship exemptions proposed in the FNPRM

¹ Children’s Television Programming Rules, Report and Order and Further Notice of Proposed Rulemaking, MB Docket Nos. 18-202 & 17-105, 34 FCC Rcd. 5822 (July 12, 2019) (“2019 FNPRM”), <https://docs.fcc.gov/public/attachments/FCC-19-67A1.pdf>.

² *Ex Parte* of TDI et al, Docket No. 18-202, 17-105, 05-231.
<https://ecfsapi.fcc.gov/file/10627122716203/2019.06.27%20Disability%20Consumer%20Groups%20Children's%20Video%20Accessibility%20Ex%20Parte%20final.pdf>

³ 2019 FNPRM, 34 FCC Rcd. at 30, ¶ 47 & n.188.

may have further implications for the accessibility of children's programming for children with visual and hearing disabilities.

For example, Rule § 79.1(d)(12) exempts video programmers from providing closed captions if their annual gross revenue is less than \$3,000,000.⁴ Allowing broadcasters with revenues greater than \$3 million to sponsor stations making less than \$3 million could shift children's programming from stations that are required to caption it to stations that are exempt from the captioning rules, effectively expanding the reach of the categorical exemption beyond its existing bounds. This is only one potential example of problems that could arise if the Commission approaches sponsorship-related modifications to the rules. Thus, the Commission must assess how any changes might create or exacerbate accessibility issues with children's programming.

It remains unclear from the FNPRM or the minimal record developed in response the extent to which special sponsorships might implicate the accessibility of children's television programming. Indeed, only two organizations commented:

- One Ministries, Inc. requested that commercial stations owned by non-profits also be allowed to benefit from sponsorship exemptions.⁵
- America's Public Television Stations, The Corporation for Public Broadcasting, and the Public Broadcasting Service ("Public Broadcasters") argued that increased quality, accessibility, and availability of programming should be allowed to satisfy the requirements for sponsorship exemptions.⁶

We agree with the Public Broadcasters that the Commission's sponsorship framework should increase the accessibility of children's programming. The accessibility and availability of children's educational content are paramount to the civil rights of children with visual and

⁴ 47 C.F.R. § 79.1(d)(12).

⁵ Comment of One Ministries, Inc., <https://www.fcc.gov/ecfs/filing/10905036985591>

⁶ Comment of America's Public Television Stations, et al. at 2, <https://www.fcc.gov/ecfs/filing/10916172895174>.

hearing disabilities. Therefore, the Commission should address our ongoing concern about the accessibility of children's programming in the same way it did in the Report and Order: by requiring the Media Bureau to also assess how any changes to the rules regarding special sponsorships might impact accessibility for children with visual or hearing disabilities when issuing a Public Notice seeking information from broadcasters and viewers.

Respectfully submitted,

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